

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the bottle and carton labels of the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for roundworms in humans, whereas the article was not effective for this purpose.

**DISPOSITION:** Northville Laboratories, Inc., the shipper of the product, filed an answer to the libel denying that the product was misbranded as alleged. Thereafter, the Government filed a set of interrogatories to be answered by the shipper. Answers to the interrogatories were filed on August 21, 1952, in which the shipper admitted that the product was not an effective treatment for all species of roundworms in humans. Thereafter, the shipper advised that it did not wish to contest the action further; and accordingly, a decree was entered on December 23, 1952, providing for the condemnation and the destruction of the product.

**3878. Adulteration and misbranding of Whitmer's Blue Ribbon Condition Powder and misbranding of Whitmer's Eureka and Whitmer's Black Diamond Liniment. U. S. v. 15 Bags, etc. (F. D. C. No. 31709. Sample Nos. 3467-L, 3471-L, 3472-L.)**

**LIBEL FILED:** September 14, 1951, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about October 10, 1950, and April 4, 1951, by H. C. Whitmer Co., Inc., from Columbus, Ind.

**PRODUCT:** 15 50-pound bags of *Whitmer's Blue Ribbon Condition Powder*, 4 cases, each containing 24 11-fluid-ounce bottles, of *Whitmer's Eureka*, and 4 cases, each containing 24 11-fluid-ounce bottles of *Whitmer's Black Diamond Liniment*, at Suffolk, Va., together with accompanying labeling consisting of various issues of a circular entitled "Whitmer Pep" which had been received by the consignee via the U. S. Mail on various dates.

Analysis showed that the *Whitmer's Blue Ribbon Condition Powder* yielded crude ash 26.95 percent, crude protein 2.55 percent, crude fat 0.54 percent, and crude fiber 18.45 percent; that the *Whitmer's Eureka* contained 3.6 percent of sodium acetate, extracts of plant drugs, 12.6 percent by volume of alcohol, and water (inspection showed that 1 tablespoonful contained more than 2 average doses of laxatives, and the directions called for 4 tablespoonfuls per day); and that *Whitmer's Black Diamond Liniment* consisted essentially of turpentine oil, pine oil, linseed oil, and camphor.

**LABEL, IN PART:** (Whitmer's Blue Ribbon Condition Powder) "For Horses, Cattle, Hogs & Sheep \* \* \* Complete Chemical Analysis Moisture 9.15% Crude Ash 19.20% Crude Protein 8.90% Crude Fat 2.00% Crude Fiber 14.50% Nitrogen Free Extract 46.25% \* \* \* This Condition Powder Is not A Food but A Medicine"; (Whitmer's Eureka) "Alcohol 15% \* \* \* Directions—Take one tablespoonful just before meals or soon after and at bedtime"; (Whitmer's Black Diamond Liniment) "Active Ingredients: Turpentine Fractions, Linseed Oil, Camphor, Pine Oil."

**NATURE OF CHARGE:** *Whitmer's Blue Ribbon Condition Powder*. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since it yielded more crude ash and crude fiber and less crude fat and crude protein than it was represented to contain. Misbranding, Section 502 (a), the following statements appearing in the labeling were false and misleading since the article would yield less crude protein and crude fat and more crude ash and crude fiber than declared,

and it was not effective to accomplish the purposes stated and implied: (Bag label) "Crude Ash 19.20% Crude Protein 8.90% Crude Fat 2.00% Crude Fiber 14.50%"; (circular enclosed in bag) "Crude Ash 19.20 percent, Crude Protein 8.90 percent, Crude Fat 2.00 percent, Crude Fiber 14.50 percent \* \* \* This Condition Powder is \* \* \* a Medicine. It tends to purify the blood, aid digestion, regulate the bowels and make healthy, fine appearing animals"; (November 10, 1949, issue of "Whitmer Pep") "The Hog \* \* \* To feed him successfully is no easy matter as nature calls for some things that are not found in feed—a conditioner to \* \* \* invigorate the digestive machinery so that it draws all of the nutrition out of the feed and deposits it into bone and fat. The real object in feeding the hog is to make him weigh the greatest number of pounds at market time in the shortest time with the least amount of feed. Whitmer's Blue Ribbon Condition Powder Will help you solve the hog's feeding problem. It supplies the medicine that the hog needs to make him healthy, contented and a weight gatherer. It is \* \* \* soothing and purifying in both stomach and intestines. The hog whose system is disordered is like a hole in your grain sack—you lose every time you feed him. Whitmer's Blue Ribbon Condition Powder helps make perfect digestion and assimilation of food."

*Whitmer's Eureka.* Misbranding, Section 502 (a), the following statements appearing in the labeling were false and misleading since the article was not an adequate and effective treatment for the conditions stated and implied, and it would not fulfill the promises of benefit made for it: (February 22, 1951, issue of "Whitmer Pep") "Whitmer's Eureka is an alterative—Alteratives are preparations that bring about a gradual change from a diseased condition to a normal state. Eureka is a Tonic containing a combination of Herbs and Drugs known to be beneficial for the general toning up of the system \* \* \* promoting regularity and the elimination of the poisonous wastes from the body. The ingredients in Eureka act on practically every organ in the abdominal cavity stimulating them to action \* \* \* Buchu Leaves, Uva Ursi, Juniper Berries and Hydrangea Root are recommended for the treatment of sub-acute and chronic inflammation of the entire urinary tract including the kidneys, bladder and urinary organs. Culvers Root \* \* \* increases the flow of the bile and stimulates the mucous glands of the intestines. \* \* \* Gentian Root \* \* \* aids digestion. Aloes Socotrine is \* \* \* very beneficial in chronic constipation \* \* \* stimulating a torpid liver. \* \* \* Senna is \* \* \* one of the best known drugs for treatment of chronic constipation. Sodium acetate \* \* \* relieves irritability of the bladder." Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings against unsafe dosage and duration of administration, in such manner and form, as are necessary for the protection of users since its labeling failed to warn that frequent or continued use, or use as directed on the label, may result in dependence upon laxatives to move the bowels.

*Whitmer's Black Diamond Liniment.* Misbranding, Section 502 (a), the following statements appearing in the labeling were false and misleading since the article was not an adequate and effective treatment for the diseases and conditions stated and implied: (May 11, 1950, issue of "Whitmer Pep") "Black Diamond. I took a cold—the doctor called it the old-fashioned gripe. \* \* \* It caused inflammatory rheumatism. I am a shut-in for about six years. I think your Liniment has saved me this long as I had a hard fall over two years ago (when I fainted from weakness) and it also helped that";

(May 17, 1951, issue of "Whitmer Pep") "Here is a tip on Black Diamond Liniment. Mr. Vern Scott \* \* \* had a bad big toe \* \* \* they were going to take him to the hospital and take his leg off \* \* \* He used Black Diamond and it healed his toe right up, so we didn't only save his toe and leg \* \* \* 18 years before this \* \* \* he had his toe run over by a thrashing machine. It had been sore ever since and it had mattered and run puss and had the toe all eaten away behind the toe nail, and this is what we healed up." Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against unsafe dosage and methods and duration of administration or application, in such manner and form, as are necessary for the protection of users since its labeling failed to warn that use of the article should be discontinued if excessive irritation of the skin developed, and that the user should avoid getting the drug into the eyes.

The libel covered also a number of lots of Hog Mineral and Cattle Mineral which were adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** April 18, 1952. Robert Elliot Parker, Suffolk, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The decree provided that the products might be released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency; otherwise, the decree provided that they be destroyed. The products ultimately were destroyed.

#### DRUGS FOR VETERINARY USE\*

**3879. Misbranding of buttermilk feed. U. S. v. 32 Barrels, etc. (F. D. C. No. 31173. Sample No. 18783-L.)**

**LIBEL FILED:** June 12, 1951, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 24, 1951, by the Cudahy Packing Co., from Winfield, Iowa.

**PRODUCT:** *Buttermilk feed.* 32 112-pound barrels and 3 90-pound steel drums at Atkinson, Ill., and 102 copies of a leaflet entitled "Hunt's Old-Fashion Condensed Buttermilk Make Your Livestock Make You Money."

**LABEL, IN PART:** "Hunt's Old-Fashion Buttermilk Feed Analysis Protein 8% Fat 1½% Lactic Acid 4% and Ash, Phosphates, Carbohydrates, Vitamines \* \* \* For Animal and Poultry Feeding Made from Solids of Milk with 2% Flour added."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the barrel and drum labels and in the accompanying leaflets were false and misleading. These statements represented and suggested that the drug would be effective to aid in the assimilation and digestion of other feeds; to help save pigs, chicks, and turkeys; as a conditioner and tonic; to make hens "shell out" more eggs; to make broilers earlier from little chicks and make hogs sooner from little pigs; to keep hogs healthy; to prevent and treat the disease necrotic enteritis of pigs; and to prevent coccidiosis of poultry. The product was not effective for such purposes.

**DISPOSITION:** January 25, 1952. The shipper, claimant, having consented, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

\*See also Nos. 3861, 3878.